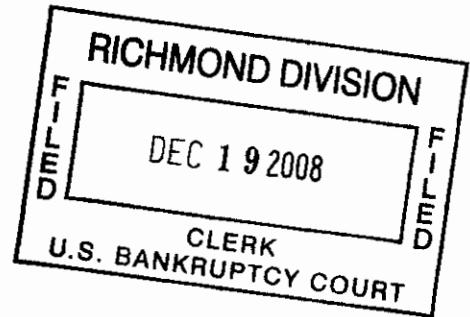


James Lubary  
3161 Druid Lane  
Rossmoor, CA 90720

December 18, 2008

Clerk of the Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219



Re: **Case No. 08-35653-KRH** / Objection to Motion by Circuit City to Reject Certain Executory Contracts

Dear Sir or Madam:

This letter is in response to the motion filed by Circuit City on December 12, 2008 to reject certain executory contracts, including my Employment Agreement. I firmly object to this motion and request that my objection be noted by the Court.

I received the notice regarding this motion on December 16, 2008, which indicated that a response had to be submitted to the court by December 18, 2008. I was mis-lead by the notice that indicated an electronic response could be filed, which I attempted to do using PACER. I later learned that electronic responses cannot be submitted by non-attorneys.

Therefore, I am submitting this letter via FedEx and anticipate that it will be received by December 19, 2008. Per Suzanne at your office, I understand that my objection will nonetheless be docketed.

Given the lack of adequate notification, I will be unable to attend the hearing on December 22, 2008.

Regards,  
James Lubary

Hearing Date: December 22, 2008 at 10:00 a.m.  
Objection Deadline: December 18, 2008 at 4:00 p.m.

Document Page 2 of 4  
Gregg M. Galardi, Esq.  
Ian S. Fredericks, Esq.  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM,  
LLP  
One Rodney Square  
PO Box 636  
Wilmington, Delaware 19899-0636  
(302) 651-3000

Dion W. Hayes (VSB No. 34304)  
Douglas M. Foley (VSB No. 34364)  
MCGUIREWOODS LLP  
One James Center  
901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000

- and -

388-830-4650

J 13650 / [REDACTED]  
(Sushi)

Chris L. Dickerson, Esq.  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM,  
LLP  
333 West Wacker Drive  
Chicago, Illinois 60606  
(312) 407-0700

Counsel to the Debtors and  
Debtors in Possession

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re: ) Chapter 11 A  
 )  
CIRCUIT CITY STORES, INC., ) Case No. 08-35653-KRH  
et al., )  
 )  
 ) Jointly Administered  
Debtors. )  
 )

NOTICE OF MOTION AND NOTICE OF HEARING ON DEBTORS' FIRST  
OMNIBUS MOTION FOR ORDER PURSUANT TO BANKRUPTCY CODE SECTIONS  
105(a) AND 365(a) AND BANKRUPTCY RULE 6006 AUTHORIZING  
REJECTION OF CERTAIN EXECUTORY CONTRACTS

PLEASE TAKE NOTICE that on December 12, 2008, the above-captioned debtors and debtors-in-possession (the "Debtors") filed their First Omnibus Motion for Order Pursuant to Bankruptcy Code Sections 105(a) 365(a) and Bankruptcy Rule 6006 Authorizing Rejection of Certain Executory Contracts (the "Motion").

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in these bankruptcy cases. (If you do not have an attorney,

**you may wish to consult one.)** Under Local Bankruptcy Rule 9013-1, unless a written response to the Motion is filed with the Clerk of the Court and served on the moving party, the trustee and those parties as required by the Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management and Administrative Procedures (entered on November 13, 2008 at Docket No. 130) (the "Case Management Order") no later than two (2) business days before the scheduled hearing date, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you do not want the Court to approve the Motion, or if you want the Court to consider your views on the Motion, then you or your attorney must:

File with the Court, either electronically or at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive it on or before December 18, 2008 at 4:00 p.m.**

*copy to [unclear]*  
Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, Virginia 23219

Pursuant to the Case Management Order, you must also serve a copy of any written response and request for hearing by the foregoing date via electronic mail on the following: (i) the Core Group, which includes the Debtors, co-counsel to the Debtors, the Office of the United States Trustee, co-counsel for any committee, counsel to the agents for the Debtors' prepetition lenders, and counsel to the agents for the Debtors' postpetition lenders; (ii) the 2002 List; and (iii) those additional parties as required by the Case Management Order (all of which are defined in the Case Management Order), which can be found at [www.kccllc.net/circuitcity](http://www.kccllc.net/circuitcity).

*docket # 130*

[X] Attend a hearing before the Honorable Kevin Huennekens, United States Bankruptcy Judge, at 10:00 a.m. (Eastern Standard Time) on December 22, 2008 at the United States Bankruptcy Court, Room 5000, 701 East Broad Street, Richmond, Virginia 23219. If you or your attorney do not attend the hearing, the Court may grant the relief requested in the Motion.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting the relief requested.

Dated: December 12, 2008 SKADDEN, ARPS, SLATE, MEAGHER & Richmond, Virginia FLOM, LLP  
Gregg M. Galardi, Esq.  
Ian S. Fredericks, Esq.  
P.O. Box 636  
Wilmington, Delaware 19899-0636  
(302) 651-3000

- and -

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
Chris L. Dickerson, Esq.  
333 West Wacker Drive  
Chicago, Illinois 60606  
(312) 407-0700

- and -

MCGUIREWOODS LLP

/s/ Douglas M. Foley .  
Dion W. Hayes (VSB No. 34304)  
Douglas M. Foley (VSB No. 34364)  
One James Center  
901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000

Counsel for Debtors and Debtors  
in Possession